

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANITA A. JONES, as next of kin of
HERBERT G. JONES, JR., deceased,
and on behalf of the wrongful death
beneficiaries of HERBERT G. JONES, JR.

VS.

FKP FRANKLIN SENIOR LIVING TENANT,
LLC d/b/a BELVEDERE COMMONS OF
FRANKLIN; and GRACE MANAGEMENT, INC.

CIVIL ACTION NUMBER: 3:11-CV-00359

PLAINTIFF

DEFENDANTS

DEFENDANTS' EMERGENCY MOTION FOR PROTECTIVE ORDER

COME NOW the Defendants, FKP Franklin Senior Living Tenant, LLC d/b/a Belvedere Commons of Franklin and Grace Management, Inc., in the above styled and referenced matter, through their undersigned counsel, and pursuant to the FEDERAL RULES OF CIVIL PROCEDURE, and file this their Motion for Emergency Protective Order and in support thereof state as follows:

1. On August 20, 2012, the Plaintiff filed her Motion to Compel bearing document number 26. This case involves the residency of Herbert Jones at Belvedere Commons of Franklin, an assisted living facility located in Franklin, Tennessee. In Plaintiff's Motion to Compel, she has referred to another resident from Belvedere Commons by name who is not a party to this cause of action throughout said motion.

2. Due to the fact that the other resident is not a party to this cause of action, the Defendants respectfully request that the Plaintiff's Motion to Compel, document number 26, be removed from the PACER electronic filing and be kept under seal. The Defendants have raised objections in depositions as well as in written discovery as to providing any information pertaining to residents at Belvedere Commons other than Mr. Jones. The Defendants' concerns are based upon and supported by the Health Information Privacy and Portability Act otherwise known as HIPAA.

*OK with
this motion
no PROVISION ALLY GIVEN
Plaintiff's motion to
compel shall be placed
under seal pending
a hearing on
September 7, 2012
at 10:00
am
on Plaintiff's
motion
to
compel.
Jill [signature]
2/5/12*